IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1663 OF 2004

M/s.Silkon Silk Mills
(Exp.) Ltd. and Ors. ..Petitioners

Vs.

M/s.Kirloskar Investment
and Finance Ltd. and Anr. ..Respondents

...

Ms.Sunita Sharma on behalf of Mr.G.R.Sharma
advocate for Petitioners
Ms.Ameeta Kuttikrishnan i/b Ms.S.D.Khot Adv.
for Respondent No.1.
Mrs.A.S.Pai APP for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : DECEMBER 3, 2007

P.C.

1. Heard the learned advocate for the petitioners and the learned advocate for the Respondent No.1-original complainant and the learned APP for the State.

2. The petitioners are seeking quashing of process issued by the learned Judicial Magistrate F.C. Pune in C.C.No.2565 of 1996. In the said case process is issued under Sections 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the order passed by this Court in the case of **V.K.Jain Vs. P.V.Padode; 2005(3) Mh.L.J.778,** which has been confirmed by the Hon'ble Apex Court, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks. The learned counsel for the respondent no.1-original complainant makes a statement that no objection will be raised in respect of condonation of delay in preferring revision before the Sessions Court. In view of this statement, the learned Judge shall condone the delay if any.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[SMT.V.K.TAHILRAMANI,J.]